

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TIGRAN OHANIAN, INDIVIDUALLY
AND ON BEHALF OF ALL OTHER
PERSONS SIMILARLY SITUATED,
AND REGGE LOPEZ, INDIVIDUALLY
AND ON BEHALF OF ALL OTHER
PERSONS SIMILARLY SITUATED,

Plaintiffs,

v.

APPLE INC. AND T-MOBILE USA, INC.
Defendants.

Case No. 1:20-cv-05162 (LGS)

**T-MOBILE USA, INC.'S
NOTICE OF MOTION TO
DISMISS AMENDED
COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(6), and upon the accompanying memorandum of law and all prior papers, pleadings, and proceedings in this action, Defendant T-Mobile USA, Inc. (“T-Mobile”), by its undersigned attorneys, Alston & Bird LLP, will move on a date convenient to the Court, before the Honorable Lorna G. Schofield, in the United States District Court for the Southern District of New York, 40 Foley Square, New York, New York 10007, for an Order (i) dismissing Plaintiff Tigran Ohanian’s claims against T-Mobile with prejudice, and (ii) granting such other and further relief as this Court deems just and proper.

Dated: January 31, 2022

Respectfully submitted,

/s/ Brett D. Jaffe

Brett D. Jaffe

ALSTON & BIRD LLP

90 Park Avenue

New York, New York 10016

Telephone: (212) 210-9400

Facsimile: (212) 210-9444

Email: brett.jaffe@alston.com

Kristine M. Brown (*Pro Hac Vice*)

Derin B. Dickerson (*Pro Hac Vice*)

ALSTON & BIRD LLP

One Atlantic Center

1201 W Peachtree Street, Suite 4900

Atlanta GA 30309

(404) 881-7000 – Telephone

(404) 881-7777 – Facsimile

kristy.brown@alston.com

derin.dickerson@alston.com

Nathaniel R. Lee (*Pro Hac Vice*)

ALSTON & BIRD LLP

Chase Tower

2200 Ross Avenue, Suite 2300

Dallas, TX 75201

(214) 922-3400 – Telephone

(214) 922-3899 – Facsimile

nathan.lee@alston.com

**ATTORNEYS FOR DEFENDANT
T-MOBILE USA, INC.**

CERTIFICATE OF SERVICE

I certify that on January 31, 2022, I caused to be served a copy of the foregoing Notice of Motion to Dismiss Amended Complaint via the Court's ECF system on all counsel of record registered through that system to receive electronic filings in this case.

Respectfully submitted,

/s/ Brett D. Jaffe

Brett D. Jaffe

ALSTON & BIRD LLP

90 Park Avenue

New York, New York 10016

Telephone: (212) 210-9400

Facsimile: (212) 210-9444

Email: brett.jaffe@alston.com